



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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POOJA PHALTANKAR, *ALT.*

ZONING BOARD OF APPEALS MINUTES

Aldermanic Chambers, Somerville City Hall, 93 Highland Avenue, Somerville, MA
Wednesday, November 29, 2017
6:00 P.M.

130 Walnut Street: (Case #ZBA 2017-70)	
Applicant:	David Einis
Property Owner:	Garrett Realty, LLC
Agent:	N/A
Legal Notice:	Applicant, David Einis, and Owner, Garrett Realty, LLC, seek Special Permits under §4.4.1 and §8.5 of the SZO for: the upward extension of the non-conforming right side yard setback by raising the rear portion of the existing structure to a height of 30' 10 ¼ inches; constructing dormers within the right side yard setback; increasing the FAR by more than 25% by adding a large addition to the rear of the structure; Special Permits under §7.11 to increase the number of units from two to three; Special Permits under §9.13 for parking relief. RB zone. Ward 4.
Date(s) of Hearing(s):	9/27, 10/4, 10/18, 11/8, 11/29
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on October 18, 2017 to continue the application to November 29, 2017.
The Applicant submitted a written request to continue the application to December 13, 2017. Richard Rossetti made a motion to continue the application to December 13, 2017. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Pooja Phaltankar absent.	



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24-28 Mount Pleasant Street: (Case #ZBA 2017-11)	
Applicant:	Warren A. Chaille, Trustee of the Chaille Trust
Property Owner:	Warren A. Chaille, Trustee of the Chaille Trust
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant/Owner, Warren A. Chaille, Trustee of the Chaille Trust, seeks a Special Permit under Section 7.3 of the Somerville Zoning Ordinance (SZO) to relocate, renovate, and construct an addition to the existing two-family dwelling to create a six-unit dwelling building. RB Zone. Ward 1.
Date(s) of Hearing(s):	6/7, 6/21, 7/12, 8/2, 8/16, 9/6, 10/4, 10/18, 11/8, 11/29
Staff Recommendation:	None at this time.
ZBA Action:	Voted on November 8, 2017 to continue the application to November 29, 2017.
The Applicant submitted a written request to continue the application to January 3, 2018. Richard Rossetti made a motion to continue the application to January 3, 2018. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Pooja Phaltankar absent.	

18 Brook Street: (Case #ZBA 2017-43)	
Applicant:	Waemen Lung and Waelim Lung
Property Owner:	Waemen Lung and Waelim Lung
Agent:	N/A
Legal Notice:	Applicants and Owners, Waemen Lung and Waelim Lung, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure within the required front, left, and right side yard setbacks and to increase the nonconforming floor area ratio (FAR) by converting the roof type from a gable style to a flat roof and making interior renovations. RB Zone. Ward 1.
Date(s) of Hearing(s):	10/18, 11/8, 11/29
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on November 8, 2017 to continue the application to November 29, 2017.
The Applicant submitted a written request to continue the application to January 3, 2018. Richard Rossetti made a motion to continue the application to January 3, 2018. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Pooja Phaltankar absent.	

118-124 College Avenue: (Case #ZBA 2017-88)	
Applicant:	Lacourt Realty, LLC c/o Mouhab Rizkallah
Property Owner:	Lacourt Realty, LLC c/o Mouhab Rizkallah
Agent:	N/A
Legal Notice:	Owner, Lacourt Realty, LLC, c/o Mouhab Rizkallah, seeks a Special Permit with Site Plan Review under §7.3 of the SZO to increase the number of dwelling units from four to seven (including one affordable unit) and parking relief under Article 9 of the SZO.
Date(s) of Hearing(s):	9/6, 9/27, 10/4, 10/18, 11/8, 11/29
Staff Recommendation:	None at this time.
ZBA Action:	Voted on November 8, 2017 to continue the application to November 29, 2017.
The Applicant submitted a written request to continue the application to December 13, 2017. Richard Rossetti made a motion to continue the application to December 13, 2017. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Pooja Phaltankar absent.	



51 McGrath Highway: (Case #ZBA 2017-46)	
Applicant:	Life Storage Limited Partnership
Property Owner:	Sovran Acquisition Limited Partnership
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant, Life Storage Limited Partnership, and Owner, Sovran Acquisition Limited Partnership, seek a Special Permit with Design Review (SPSR) under Section 7.11.12.4.c and Section 5.2 of the Somerville Zoning Ordinance (SZO) to construct a self-storage facility of 28,880 gross square feet. The Applicant and Owner also seek a Variance under Article 12 of the SZO for signage. IA Zone. Ward 2.
Date(s) of Hearing(s):	7/12, 8/2, 8/16, 9/6, 9/27, 10/4, 10/18, 11/8, 11/29
Staff Recommendation:	Recommends denial
ZBA Action:	Voted on November 8, 2017 to continue the application to November 29, 2017.
The Applicant submitted a written request to continue the application to January 3, 2018. Richard Rossetti made a motion to continue the application to January 3, 2018. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Pooja Phaltankar absent.	

81 Highland Avenue (Case #ZBA 2017-101)	
Applicant:	City of Somerville
Property Owner:	City of Somerville
Agent:	N/A
Legal Notice:	Applicant and Owner, the City of Somerville, seek Special Permits per 4.4.1 to alter the existing, non-conforming structure (Somerville High School), and a Variance for parking under Article 9. RC zone. Ward 3.
Date(s) of Hearing(s):	10/18, 11/8, 11/28
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on November 8, 2017 to continue the application to November 28, 2017.
The Applicant submitted a written request to continue the application to December 13, 2017. Richard Rossetti made a motion to continue the application to December 13, 2017. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Pooja Phaltankar absent.	

5 Middlesex Avenue (ZBA 2017-96)	
Applicant:	Somerville Office Association, LP
Property Owner:	Somerville Office Association, LP
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner Somerville Office Association, LP seeks a Variance under §5.5 for the top of a wall sign mounted higher than 35' above finished grade under §6.4.14. Zone ASMD. Ward 1.
Date(s) of Hearing(s):	11/8, 11/29
Staff Recommendation:	None at this time
ZBA Action:	Voted on November 8, 2017 to continue the application to November 29, 2017.
The Applicant submitted a written request to continue the application to December 13, 2017. Richard Rossetti made a motion to continue the application to December 13, 2017. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Pooja Phaltankar absent.	



45 Kent Street: (Case #ZBA 2017-90)	
Applicant:	Angela Schifano
Property Owner:	Angela Schifano
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Owner and Applicant, Angela Schifano, seeks Special Permits under §7.11 of the SZO to increase the number of units from two to three; under §4.4.1 to increase the non-conforming left side yard setback, and for an upward extension of both the non-conforming rear and non-conforming left side yard setbacks by increasing the height of the building by approximately 10 feet; to increase the FAR and GFA by more than 25%; parking relief under Article 9 of the SZO. RC zone. Ward 2.
Date(s) of Hearing(s):	10/18, 11/8, 11/29
Staff Recommendation:	None at this time.
ZBA Action:	Voted on November 8, 2017 to continue the application to November 29, 2017.
The Applicant submitted a written request to continue the application to January 3, 2018. Richard Rossetti made a motion to continue the application to January 3, 2018. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Pooja Phaltankar absent.	

24 Hall Avenue (ZBA 2017-102)	
Applicant:	Justin Levine, as Manager of 24 Hall Ave LLC
Property Owner:	24 Hall Ave LLC
Agent:	N/A
Legal Notice:	Applicant, Justin Levine, as Manager of 24 Hall Ave LLC, and Owner, 24 Hall Ave LLC, seek a Special Permit under SZO §4.4.1 to increase the nonconforming floor area ratio (FAR) of the structure by finishing a portion of the basement. RA Zone. Ward 6.
Date(s) of Hearing(s):	11/8, 11/29
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on November 8, 2017 to continue the application to November 29, 2017.
The Applicant submitted a written request to continue the application to December 13, 2017. Richard Rossetti made a motion to continue the application to December 13, 2017. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Pooja Phaltankar absent.	

311 Highland Avenue (Case #ZBA 2017-103)	
Applicant:	John Costello
Property Owner:	Lydia Rose Trust, John Costello Trustee
Agent:	N/A
Legal Notice:	Applicant, John Costello, and Owner, Lydia Rose Trust, John Costello Trustee), seek special permits to modify the signage requirements as permitted in the original zoning approval of ZBA 2014-120. RC zone. Ward 6.
Date(s) of Hearing(s):	11/8, 11/29
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on November 8, 2017 to continue the application to November 29, 2017.
The Applicant submitted a written request to continue the application to December 13, 2017. Richard Rossetti made a motion to continue the application to December 13, 2017. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Pooja Phaltankar absent.	



3 Royce Place (ZBA 2017-74)	
Applicant:	Black Wolf Special Opportunity II, LLC
Property Owner:	Black Wolf Special Opportunity II, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, Black Wolf Special Opportunity II, LLC, seeks a Special Permit under SZO §4.4.1 to alter an existing three-family structure and convert it into a two-family structure and a Special Permit with Site Plan Review (SPSR) under SZO §7.2 and a Variance under §5.5 and §8.5 to construct a single dwelling unit in a second principle structure on the lot within the required front yard setback. RB Zone. Ward 1.
Date(s) of Hearing(s):	11/8, 11/29
Staff Recommendation:	None at this time.
ZBA Action:	Voted on November 8, 2017 to continue the application to November 29, 2017.
The Applicant submitted a written request to continue the application to December 13, 2017. Richard Rossetti made a motion to continue the application to December 13, 2017. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Pooja Phaltankar absent.	

23-25 Boston Avenue (ZBA 2017-100)	
Applicant:	23-25 Boston Avenue LLC
Property Owner:	23-25 Boston Avenue LLC
Agent:	N/A
Legal Notice:	Applicant and Owner, 23-25 Boston Avenue, seeks Special Permits under §4.4.1 of the SZO to increase the FAR by more than 25%, add dormers and an areaway within the non-conforming right side yard setback, and finish basement. RA zone. Ward 4.
Date(s) of Hearing(s):	11/29
Staff Recommendation:	None at this time.
ZBA Action:	--
The Applicant submitted a written request to continue the application to December 13, 2017. Richard Rossetti made a motion to continue the application to December 13, 2017. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Pooja Phaltankar absent.	

57-59 Franklin Street (ZBA 2017-109)	
Applicant:	Mattos Franklin, LLC
Property Owner:	Mattos Franklin, LLC
Agent:	N/A
Legal Notice:	Applicant and Owner, Mattos Franklin, LLC, seek Special Permits under §4.4.1 of the SZO to increase the FAR by more than 25%, install three front entry doors, open rear porches and install areaways within the right side yard setback. Parking relief under §9.13. RB zone. Ward
Date(s) of Hearing(s):	11/29
Staff Recommendation:	None at this time.
ZBA Action:	--
The Applicant submitted a written request to continue the application to December 13, 2017. Richard Rossetti made a motion to continue the application to December 13, 2017. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Pooja Phaltankar absent.	



69 Concord Avenue (ZBA 2017-108)	
Applicant:	George Meeker
Property Owner:	George Meeker
Agent:	N/A
Legal Notice:	Applicant and Owner, George Meeker, seeks Special Permits under §4.4.1 of the SZO to make alterations to a non-conforming structure. RB zone. Ward 2.
Date(s) of Hearing(s):	11/29
Staff Recommendation:	None at this time.
ZBA Action:	--
The Applicant submitted a written request to continue the application to December 13, 2017. Richard Rossetti made a motion to continue the application to December 13, 2017. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Pooja Phaltankar absent.	

82 Willow Avenue: (Case #ZBA 2017-30)	
Applicant:	Umesh and Dipti Mistri
Property Owner:	Umesh and Dipti Mistri
Agent:	N/A
Legal Notice:	Applicants / Owners, Umesh and Dipti Mistri, seek a Special Permit under §4.4.1 to make various alterations that include a complete renovation of the interior and exterior of the nonconforming three-family structure, a Special Permit under §9.13 for parking relief, and a Variance under §5.5 and Article 8 for creating a new nonconformity by constructing a rear addition and decks into the required rear yard setback. NB zone. Ward 6.
Date(s) of Hearing(s):	9/6, 9/27, 10/4, 10/18, 11/8, 11/29
Staff Recommendation:	SP: Conditional approval V: Conditional approval
ZBA Action:	Voted on November 8, 2017 to continue the application to November 29, 2017.
David Barsky, architect of record, described changes made to proposal since their last appearance before the ZBA. Talked directly with MAAB. Mr. Misty, advocated for the project and spoke to his needs. Safdie stated he was pleased with the changes for ADA purposes. Richard Rossetti made a motion to conditionally approve the Special Permit. Elaine Severino seconded the motion. The motion passed 5-0 with Pooja Phaltankar absent.	



81 Sacramento Street: (Case #ZBA 2017-25-R1-9/2017)	
Applicant:	Sophia and Frank Maniaci
Property Owner:	Sophia and Frank Maniaci
Agent:	N/A
Legal Notice:	Applicants and Owners, Sophia and Frank Maniaci, seek a revision to a previously approved special permit (ZBA 2017-25 approved in May 2017) under §5.3.8 of the Somerville Zoning Ordinance to increase the height of a portion of the nonconforming structure to add another level of living area. RC zone. Ward 2.
Date(s) of Hearing(s):	10/18, 11/8, 11/29
Staff Recommendation:	None at this time
ZBA Action:	Voted on November 8, 2017 to continue the application to November 29, 2017.
Applicant appeared and described changes they made to their plan. No public comment was given. Richard Rossetti made a motion to conditionally approve the Special Permit. Elaine Severino seconded the motion. The motion passed 5-0 with Pooja Phaltankar absent.	

1 Williams Court: (Case #ZBA 2017-82)	
Applicant:	Frank Marinello
Property Owner:	Frank Marinello
Agent:	N/A
Legal Notice:	Applicant and Owner, Frank Marinello, seeks Special Permits under §4.4.1 of the SZO for the upward extension of the non-conforming rear yard setback and parking relief under §9.13 of the SZO.
Date(s) of Hearing(s):	10/18, 11/8, 11/29
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on November 8, 2017 to continue the application to November 29, 2017.
Candido Clemente Soares provided update to the proposal. 5 Williams Ct. owner agrees with shadow study and spoke in support. Richard Rossetti made a motion to conditionally approve the Special Permit. Elaine Severino seconded the motion. The motion passed 5-0 with Pooja Phaltankar absent.	

44 Broadway (ZBA 2017-95)	
Applicant:	Lower Broadway Development, LLC
Property Owner:	Lower Broadway Development, LLC
Agent:	Sean T. O'Donnovan
Legal Notice:	Applicant & Owner, Lower Broadway Development, LLC, seeks a Variance under SZO §5.5 to demolish existing one-story commercial structures and replace them with a 6-story mixed-use building containing 8,696sf of retail/restaurant, 9,800sf office, and 27 residential dwelling units with structured parking under SZO §6.5. Zone TOD-55. Ward 1.
Date(s) of Hearing(s):	11/8, 11/29
Staff Recommendation:	Unable to recommend
ZBA Action:	Voted on November 8, 2017 to continue the application to November 29, 2017.



Sean O'Donnovan, attorney for applicant, presented the project. No changes from last meeting. Mr. Sima provided shadow study presented by architect from Studio Troika. Chair of East Somerville Main Streets presented perspectives on the project. Marty Henry, former owner of 44 Broadway, supports the project. An abutter was concerned about parking and wants to see a more comprehensive plan. Elio La Russo, direct abutter, emphasized parking concerns, stated that 69 feet is too high for the building, and stated that only one neighborhood meeting was held on the project. Susan Fontano asked Elio why the neighbors didn't ask for more neighborhood meetings. Steven Filmore stated parking is tough and size of building doesn't fit in neighborhood. Taco Loco representative supports project for East Somerville. Fontano asked applicant to explain parking. (Reply – Sean O'Donnovan described parking plan process). Fontano asked about number of units. O'Donovan replied 20% affordable (5.4 units; the 0.4 ends up being a payment) and the rest market and retail. Added that the applicant then waked away from neighborhood meeting thinking it had gone well. Stated they continued meeting privately with neighbors after that. Rossetti stated parking is a problem everywhere. Thinks the larger problem in this one is that people from other parts of the City that park in this area to hop on the T and that is the main parking problem. Fontano spoke about transition of this part of the City, especially with height stated she's still having difficulty with the proposed height and density. Evans doesn't think that ZBA granting a variance would force the PB to grant permission to build to that height – could be lower. Safdie has not yet heard arguments from ZBA that provide justification for granting a variance. The Applicant doesn't think enough consideration has been given to good urban planning by the board. Safdie states that an Applicant is incentivized to make the best building that they can make not the worst. We won't necessarily get the "worst" building that they would come up with. Fontano noted that planning staff was "unable to recommend" and that meant something to them, that the proposal didn't meet the goals of the zone. O'Donnovan stated proposal is trying to meet the goals of all the stakeholders. Fontano asked how many retail units? (Reply – O'Donnovan said 9,000sf of retail but no signed tenants yet; likely 3-4 commercial units). Fontano asked Applicants what they thought when staff said they couldn't support the project. Mr. Rogan (Applicant) said that staff liked it but couldn't support. Safdie said ZBA is not a board to make financial decisions; can't base decisions on that. Fontano said the numbers don't work if the project is reduced or they just won't make "as much" as they would with the 69 ft. O'Donnovan asked for directions from the ZBA if they were going to go back and re-design. Applicant stated if you take a floor off they would eliminate the office floor and they can't take out a residential floor instead of an office floor. Safdie stated having lots of absolute statements with nothing to back them up. As much as he agrees with a lot of what has been said but has not yet heard anything that supports a variance. O'Donnovan asked for continuance to January 17, 2018. Richard Rossetti made a motion to continue the application to January 17, 2018. Elaine Severino seconded the motion. The motion passed 5-0 with Pooja Phaltankar absent.

86 Fremont Street (ZBA 2017-106)	
Applicant:	Feng Zhao
Property Owner:	Pinnacle Development, LLC
Agent:	N/A
Legal Notice:	Applicant, Feng Zhao, and Owner, Pinnacle Development, LLC, seek a Special Permit under SZO §4.4.1 to perform alterations to the nonconforming three-family dwelling including constructing an addition in the rear and modifying the front entry porch. The Applicant and Owner also seek a Special Permit under SZO §9.13 for parking relief. RA Zone. Ward 4.
Date(s) of Hearing(s):	11/29
Staff Recommendation:	Conditional Approval
ZBA Action:	--



Lan Ching, project design manager, described proposal. Auciello, 82-84 Fremont owner and direct abutter, described proximity of their property to 86 Fremont; addition will block their view significantly and will be stressful to feel closed in. Their kitchen is in the back of the house and will be significantly closed in. Says 86 Fremont front steps are attached to their foundation wall; have not seen plans or been approached by 86 Fremont. Alex Mello, planner, explained the changes to the front and that landscaping would be installed between the properties. Suggested a condition that would require Applicant to evaluate current conditions of the abutter's foundation. Property owner (Jim Chan) lives in Lexington, has not reached out to neighbors, owned property 4 months. Severino asked about landscaping percentages. 88 Fremont confirmed that the shed on the property line was theirs and not 86 Fremont's. Brockelman said if done right, front landscaping could improve the look of the property. There should have been more dialogue with the abutter at 86 Fremont; suggests discussion as to placement of balcony. Has no problem with project overall but suggests individual components might be beneficial to discuss with abutter. Mello said there will be some removal of concrete between houses that might cause some vibration. 84 Fremont said both their structure and 86 Fremont rear of structure end at points parallel to each other. Safdie mostly agrees with Brockelman's comments; nothing in the zoning ordinance that would lead project not to be done – no protection of personal vistas. Brockelman would advise abutter to look at the plans closely to understand what is happening and to look at details. Property owner has right to build some addition. Fontano stated Applicant should go to meet with abutters and go through details of the project. 84 Fremont (Maria Auciello) wants to know how spacing will still fit with addition proposed. Fontano stated that 84 Fremont's point and other things are what they are to work out with Applicant. Richard Rossetti made a motion to continue the application to December 13, 2017. Elaine Severino seconded the motion. The motion passed 5-0 with Pooja Phaltankar absent.

Other Business:

NOTICE: While reasonable efforts have been made to assure the accuracy of the data provided in these minutes, do not rely on this information as the complete and accurate portrayal of the events in the meeting without first checking with the Planning Division staff. If any discrepancies exist, the decisions filed by the Board serve as the relevant record for each case. The Planning Division also maintains audio recordings of most Board meetings that are available upon request.

Plans and reports are available at the City of Somerville website at the following link:

<https://www.somervillema.gov/departments/ospcd/planning-and-zoning/reports-and-decisions>

